## IN THE EXECUTIVE ETHICS COMMISSION OF THE STATE OF ILLINOIS

SUSAN HALING, in her capacity as		)	
EXECUTIVE INSPECTOR GENERAL for		)	
AGENCIES OF THE GOVERNOR, State		)	
Of Illinois,	•	)	
	Petitioner,	)	
		)	
v.		)	No. 18-EEC-007
		)	
GREG OWENS,	•	)	
	Respondent.	)	

## **DECISION**

This cause is before the Commission on Petitioner's motion to dismiss the appeal for lack of subject matter jurisdiction.

Respondent Greg Owens (Owens) filed the present appeal, styled "Written Request for Hearing," on March 19, 2018. Respondent complains of his discharge from Central Management Services on March 2, 2018 and seeks a hearing before the Commission pursuant to 5 ILCS 430/20-55(d).

On November 21, 2018, the Office of the Attorney General filed a motion to dismiss this appeal on the basis that the Commission lacks jurisdiction to hear the appeal. The administrative law judge directed Owens to file any response to the Attorney General's motion on or before December 14, 2018. Owens has filed no response.

The Commission's jurisdiction to conduct hearings to contest disciplinary action is provided at 5 ILCS 430/20-55(d). This provision reads:

(d) Any hearing to contest disciplinary action for a violation of this Act [State Officials and Employees Ethics Act] against a person subject to the Personnel Code...is within the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of these Acts.

5 ILCS 430/20-55(d)

The Commission adopted rule, codified at 2 III. Admin. Code 1100 and 1110, to implement this statutory provision.

The Attorney General's motion to dismiss notes that the bases for Owens' discharge are his alleged violations of the CMS Policy Manual and Illinois Code of Personal Conduct, including incompetence, as well as various acts of insubordination,

disruptive conduct, and conduct unbecoming of a State employee. MTD Ex. 3. None of these alleged violations implicate the State Officials and Employees Ethics Act.

Although he was given the opportunity to respond to the arguments made by the Office of the Attorney General, Owens has not objected or otherwise responded in any way.

IT IS HEREBY ORDERED that the Office of the Attorney General's motion to dismiss is granted and Respondent Greg Owens' appeal is dismissed for lack of jurisdiction.

SO ORDERED.

Date: December 20, 2018